PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, MARCH 11 1980

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING March 11 A.D., 1980, IN Regular SESSION. PRESIDENT Vivian G. Schmidt IN THE CHAIR, AND Charles W. Westerman CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BURNS X, EISBART X, GiaQUINTA X,
NUCKOLS X, SCHMIDT, D. A, SCHMIDT, V. X,
SCHOMBURG X, STIER X, TALARICO X,
ABSENT
COUNCILMAN , , ,
, , ,

THE INVOCATION WAS GIVEN BY

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF , 19 . MOTION MADE AND CARRIED THAT REPORT BE MADE A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR February 26, 1980,
, 19 ,
SPECIAL , 19 ,
SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

February 27, 1980

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, February 27, 1980, I have approved the following ordinances passed by the Common Council at its regular meeting of February 26, 1980.

(Bill No. S-80-02-01)
SPECIAL ORDINANCE NO. S-13-80

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1980 (HOLSUM OF FORT WAYNE, INC.)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

(Bill No. S-80-02-13)
SPECIAL ORDINANCE NO. S-14-80

AN EMERGENCY ORDINANCE authorizing the expenditure of funds by the Emergency Medical Services Department for payment of accured overtime for emergency service work performed by employees of the Department

(Bill No. S-80-02-20)
SPECIAL ORDINANCE NO. S-15-80

AN EMERGENCY ORDINANCE authorizing the expenditure of funds by various Departments of the Civil City of Fort Wayne to fund "step" increases granted to employees of said Departments for the year 1980, resulting from Union Contracts entered into by the City of Fort Wayne with the International Association of Machinists

(Bill No. R-80-02-37)
RESOLUTION NO. R-16-80

A RESOLUTION authorizing the Mayor and City Clerk to enter into an agreement with the Department of Natural Resources of the State of Indiana for

the allocation by the State used by it in its flood control/public access-park system program along the river banks in the Spy Run Creek and West Main Street areas

(Bill No. R-80-02-18)
RESOLUTION NO. R-17-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $890,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill NO. R-80-02-19)
RESOLUTION NO. R-18-80

A RESOLUTION authorizing the filing of an application for fiscal year 1980 Community Development Block Grant Funds

(Bill No. R-80-02-22)
RESOLUTION NO. R-19-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $8,000,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. R-80-02-30)
RESOLUTION NO. R-20-80

A RESOLUTION approving the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the calendar year 1980

(Bill No. S-80-02-09)
SPECIAL ORDINANCE NO. S-16-80

AN ORDINANCE approving Change Order No. 6, Water Contract No. 77-W-2, Water Works Improvements, Filtration Plant Additions

(Bill No. S-80-02-10)
SPECIAL ORDINANCE NO. S-17-80

AN ORDINANCE approving a contract, dated December 27, 1979, with Bercot, Inc. for the construction of a storm sewer on North Washington Road south to

Lough Nest, under Improvement Resolution No. 5857-79 of the Board of Public Works

(Bill No. S-80-02-11)
SPECIAL ORDINANCE NO. S-18-80

AN ORDINANCE approving Change Order No. 1, Street Light Improvement Resolution No. 137-79, ornamental street lighting for Harrison Hill area, T & F Construction Corporation, contractor

Respectfully yours,

Win Moses, Jr.
Mayor

from the desk of W. L. Barth

In the Name of the Father, and of the Son, and of the Holy Spirit. Amen.

Lord our God, Creator of the universe, God of our salvation, Spirit of life and truth - we call upon You to bless our governmental officials, particularly our mayor and the members of the City Council in session here this evening.

They have tremendous responsibilities that at times appear humanly speaking beyond solution. They need divine help. That is why we come to You, dear Lord. We ask Your benediction upon them individually and collectively.

Give them what they need to make them good leaders of our community. To that end give them humility, wisdom, courage, love, strength, ability, stability, honesty, so that at all times they may strive to do what is best for the people whom they serve. Enable them to face accountibility for their actions not only to the citizenry but to You as well.

Assure them of Your love and forgiveness when they fail. Assure them also of Your willingness to bless them. To that end grant them the spirit of prayer and a dependence on You in all of their deliberations and decisions, as they seek to promote the best interests of our community.

We pray also for the people of our community. Grant them respect toward all in authority. Prompt them to be law-abiding citizens and to work together for the common good of all mankind!

May these words of promise recorded in the 2nd Book of Chronicles, chapter 7, verse 14 be a source of consolation and inspiration to all of us: "If my people, which are called by my name, shall humble themselves, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land."

In the light of these truths grant Your blessings upon this important meeting here tonight. In the Name of Jesus, our Savior and our Master. Amen.

- - - - - - - - - - - -

The above prayer was offered by The Rev. Walter L. Barth in the Council Chambers at the opening of the City Council meeting on Tuesday, March 11, 1980

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

6 March 1980

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-80-01-17

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
6th day of March 1980.

W. Joyce Schlatter

Joyce Schlatter
Secretary

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

6 March 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held March 5, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-80-01-17

2. From RB to B3B

3. Intended Use: Not given.

4. Plan Commission Recommendation: DO NOT PASS

   This ordinance recevied a DO NOT PASS recommendation for the following reason:

   a. This request is not logical in light of adjacent residential land uses on the west side of Old Trail Road.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten pb

Gary F. Baeten
Senior Planner

GFB:pb

AN EQUAL OPPORTUNITY EMPLOYER

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 22, 1980, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-80-01-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 11, 1980;

NOW THERFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

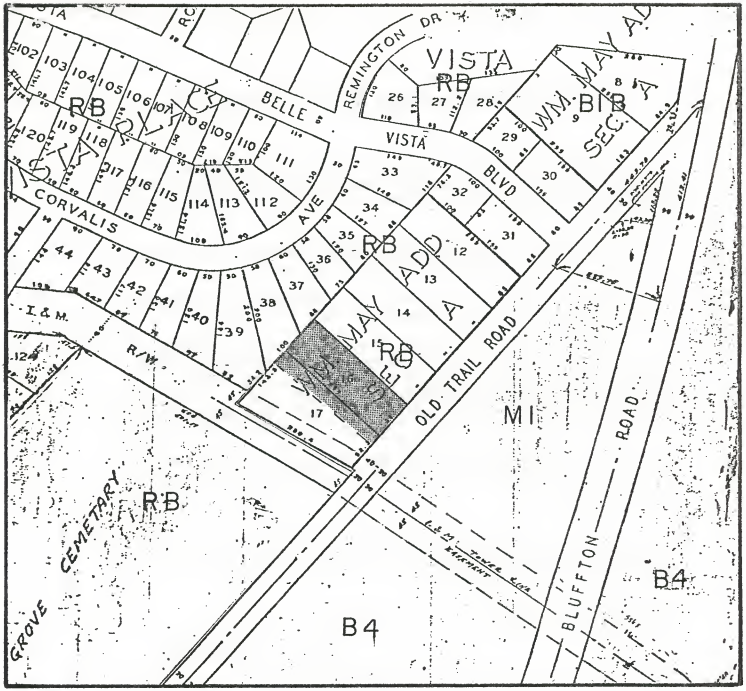
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 5, 1980.

Certified and signed this
5th day of March 1980.

Joyce Schlatter

Joyce Schlatter
Secretary



REQUEST TO CHANGE FROM RB TO B3B ZONING

Map No. J-23

N

Z-80-01-17

PREPARED BY R.K.

DATE 1-11-80

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

6 March 1980

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-80-01-16

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
6th day of March 1980.

M. Joyce Schlatter

Joyce Schlatter
Secretary

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

6 March 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held March 5, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-80-01-16

2. From R1 to B4

3. Intended Use: Dog Kennel

4. Plan Commission Recommendation: DO NOT PASS

   This ordinance received a DO NOT PASS recommendation for the following reason:

   a. This request is not compatible with adjacent zoning or land uses.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten

Gary F. Baeten
Senior Planner

GFB:pb

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 22, 1980, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-80-01-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required be law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 11, 1980;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

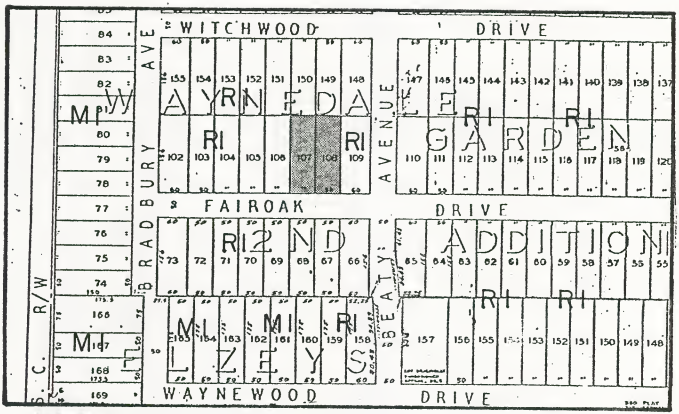
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 5, 1980.

Certified and signed this
6th day of March 1980.

W. Joyce Schlatter

Joyce Schlatter
Secretary



CHANGE FROM RI TO B4

Map No. I-27

N

Z-80-01-16

PREPARED BY R.K.

DATE 12-11-79

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

5 March 1980

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-78-11-23

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
12th day of February 1980.

T. Joyce Schlatter

Joyce Schlatter
Secretary

4. The above three conditions be agreed to and submitted to the Commission in recorded Restrictive Covenant form prior to submission of the request to City Council.

NOTE: The above perfection has been shown on the ordinance and the conditions have been agreed upon and accepted by the Plan Commission. Copies of the agreements are with the original ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten pb

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

5 March 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held May 25, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance.

1. BILL NO. Z-78-11-23

2. From RA & R1 to M2

3. Intended Use: Centennial Industrial Park

4. Plan Commission Recommendation: DO PASS as PERFECTED and with the following CONDITIONS.

PERFECTION: The petition shall be amended to delete from the rezoning request a parcel of land with frontage on Butler Road as follows: The entire width of this request along Butler Road (which is approximately 2,640 feet) and a depth running North from the North right-of-way line of Butler Road 660 feet.

CONDITIONS:

1. An earth mounding be constructed to specifications set by the Plan Commission during approval of Preliminary Plat. Such mounding to be located along the south boundary of the rezoned industrial property and along the eastern boundary of the rezoned property running from the southern edge of the property north to existing mounding of existing industrial park.

2. There shall be submission and approval of preliminary plat for the entire area covered by the perfected rezoning prior to issuance of any non-residential improvement location permits for aforesaid property.

3. There shall be no access to Butler Road from the industrially zoned land.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 14, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-11-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 14, 1979;

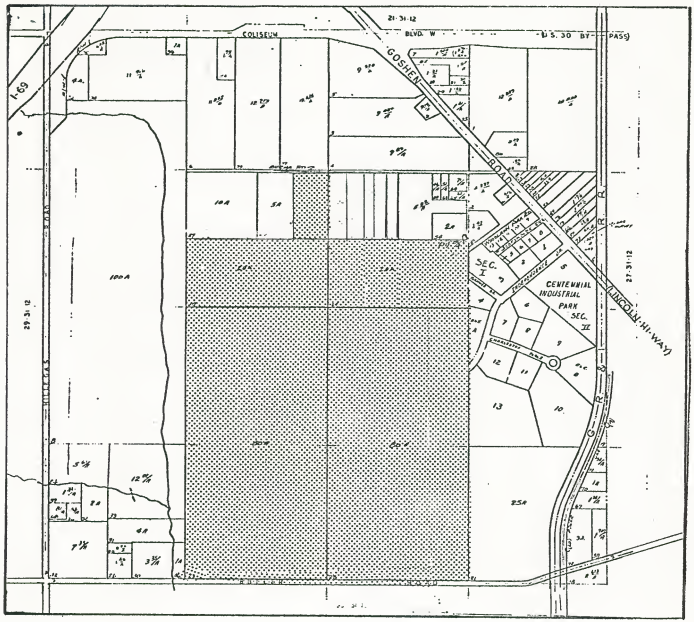
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS as PERFECTED for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 25, 1979.

Certified and signed this
5th day of March, 1980.

Joyce Schlatter
Secretary



REZONE FROM RA & RI TO M2

MAP NO. I-22

Z-78-11-23

BY M.F.C. 7-26-78

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 11th day of March, 19 80 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19_____.

_____

Charles W. Westerman
City Clerk

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, FEBRUARY 26, 1980

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening February 26, 1980, in the chair Vivian G. Schmidt and Charles W. Westerman Clerk, at the desk, present the following members nine viz:

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

The minutes of the last regular February 12, 1980 Session having been delivered to the Council, were, on motion, approved and published.

COMMUNICATION FROM THE MAYOR

February 19, 1980

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, February 19, 1980, I have approved the following ordinances passed by the Common Council at its regular meeting of February 12, 1980.

(Bill No. S-80-01-28)
(AS AMENDED)
SPECIAL ORDINANCE NO. S-09-80

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (PAYLESS CASHWAYS, INC. PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

(Bill No. S-80-01-29)
SPECIAL ORDINANCE NO. S-10-80

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1979 (VIRGIL C. BROCKMANN, TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 1, 1980 AN AS ABOITE ADAMS TRUST NO. 101)" AN APPROVING OTHER ACTIONS IN RESPECT THERETO

(Bill No. S-80-01-23)
(AS AMENDED)
SPECIAL ORDINANCE NO. S-12-80

AN ORDINANCE AUTHORIZING A SURCHARGE ON TAXICAB FARES IN THE CITY OF FORT WAYNE, INDIANA

(Bill No. R-80-02-02)
RESOLUTION NO. R-13-80

A RESOLUTION authorizing payment to various agencies for the purchase of repair parts

(Bill No. R-80-02-30)
RESOLUTION NO. R-14-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $5,500,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. G-79-05-12)
GENERAL ORDINANCE NO. G-03-80

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Pennsylvania Street

(Bill No. G-79-11-21)
GENERAL ORDINANCE NO. G-04-80

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of an alley in Rockhill Heir's Addition

(Bill No. G-79-11-22)
GENERAL ORDINANCE NO. G-05-80

AN ORDINANCE amending General Ordinance No. G-97 authorizing the vacation

of a utility easement in Lake Forest Addition

(Bill No. S-80-01-27)
SPECIAL ORDINANCE NO. S-11-80

AN ORDINANCE approving Change Order No. 1, Street Improvement Resolution No. 5832-79, in connection with College Street Elevation repair - Hipskind Asphalt Corporation, contractor

(Bill No. X-80-01-20)
ANNEXATION ORDINANCE NO. X-01-80

AN ORDINANCE annexing certain territory, commonly known as Breconshire, to Fort Wayne, and including the same in Councilmanic District No. 4

(Bill No. R-80-01-21)
RESOLUTION NO. R-15-80

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of Breconshire

Respectfully yours,

Win Moses, Jr.
Mayor

Made a matter of record 2-26-80

Charles W. Westerman
City Clerk

BILL NO. A-80-02-23

APPROPRIATION ORDINANCE NO. A-

AN ORDINANCE transferring and appropriating $43,500.00 from the Park Cumulative Building Fund to Account No. 03-355-355-4001 in the 1980 budget of the Department of Parks and Recreation to provide funds for the purchase of 2.545 acres of land adjacent to Franke Park

WHEREAS, an emergency exists for the transfer and appropriation of additional funds to Account No. 03-355-355-4001 in the 1980 budget of the Department of Parks and Recreation in order to purchase 2.545 acres of land adjacent to Franke Park to expand the Zoo facility for which adequate funds are available in the Park Cumulative Building Fund, which transfer is recommended by the City Controller;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That there is hereby transferred from the Park Cumulative Building Fund and appropriated to Account No. 03-355-355-4001 of the 1980 budget of the Department of Parks and Recreation the sum of $43,500.00.

Section 2. That the unexpended and unappropriated balance of the Park Cumulative Building Fund is hereby reduced in the amount of $43,500.00.

Section 3. That this ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 11th day of March, 1980, at 7:30 o'clock P.M.,E.S.T.

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. A-80-02-24

APPROPRIATION ORDINANCE NO. A-

AN ORDINANCE transferring and appropriating $456,000.00 from Account No. 302-121-010, "Park General Fund", to Account No. 4-02-121 121-4265, "Services Contractural" in the 1980 budget of the Department of Parks and Recreation, to provide for rebuilding the Diehm Museum of Natural History in Franke Park

WHEREAS, the Diehm Museum of Natural History in Franke Park was destroyed by fire; and

WHEREAS, an insurance settlement was received and the amount thereof credited to the Park General Fund pending a need for it; and

WHEREAS, it is now opportune to proceed with the reconstruction of the Diehm Museum building, using such insurance proceeds and the interest earned thereon in the interim; and

WHEREAS, by reason of the foregoing, an emergency exists for the transfer of the sum of $456,000.00 from the Park General Fund and the appropriation thereof to Account No. 4-02-121-121-4265, "Services Contractual", in the 1980 budget of the Department of Parks and Recreation, which transfer is recommended by the City Controller;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That there is hereby transferred from the Park General Fund (No. 302-121-010) and appropriated to Account No. 4-02-121-121-4265, "Services Contractual", in the 1980 budget of the Department of Parks and Recreation the sum of $456,000.00.

Section 2. That the unexpended and unappropriated balance of the Park General Fund is hereby reduced in the amount of $456,000.00.

Section 3. That the ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 11th day of March, 1980, at 7:30 o'clock P.M.,E.S.T.

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. A-80-02-25

APPROPRIATION ORDINANCE NO. A-

AN ORDINANCE transferring and appropriating $40,075.00 from the Park Cumulative Building Fund to Account No. 03-355-355-4001 of the 1980 budget of the Department of Parks and REcreation, to be used to match a federal grant of funds for the development of Jehl Park

WHEREAS, an emergency exists for the transfer and appropriation of additional funds to Account No. 03-355-355-4001 in the 1980 budget of the Department of Parks and Recreation, to be used to match a grant of federal funds for the development of Jehl Park, for which adequate funds are available in the Park Cumulative Building Fund and which transfer is recommended by the City Controller;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That there is hereby transferred from the Park Cumulative Building Fund and appropriated to Account No. 03-355-355-4001 of the 1980 budget of the Department of Parks and Recreation the sum of $40,075.00.

Section 2. That the unexpended and unappropriated balance in the Park Cumulative Building Fund is hereby reduced in the amount of $40,075.00.

Section 3. That the ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Financeand Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana on Tuesday, the 11th day of March, 1980, at 7:30 o'clock P.M.E.S.T.

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-26

SPECIAL ORDINANCE NO. S-

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1979 (PENS-CO. PROPERTIES)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Pens-Co. Properties, a General Partnership Project, regarding the financing of proposed economic development facilities for Pens-Co. Properties and the Fort Wayne Plan Commission has commented favorable thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 6, 1979, and also adopted Resolutions on December 6, 1979, and February 21, 1980, which Resolutions have been transmitted hereto, finding that the financing of certain economic development facilities of Pens-Co. Properties complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note and Mortgage and Indenture of Trust; now, therefore

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Pens-Co. Properties for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Pens-Co. Properties, under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Note and

Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incoroprated hereby by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Pens-Co. Properties, a General Partnership Project) in the total principal amount of Three Hundred Sixty Thousand Seven Hundred Dollars ($360,700) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Pens-Co. Properties under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 9 1/2% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk and/or Controller are authorized to arrange for delivery of such bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (Pens-Co. Properties, a General Partnership Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-27

CITY OF FORT WAYNE, INDIANA

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $900,000.00 ECONOMIC DEVELOPMENT REVENUE BONDS - SERIES A AND B (ALLEN ASSOCIATES THREE PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF FUNDING A LOAN TO ALLEN ASSOCIATES THREE IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES LOCATED WITHIN THE BOUNDARIES OF THE COUNTY OF ALLEN, NEAR THE CITY FOR USE BY ALLEN ASSOCIATES THREE AND LEASED TO THE PRUDENTIAL INSURANCE COMPANY OF AMERICA; AUTHORIZING EXECUTION OF THE LOAN AGREEMENT, MORTGAGE AND SECURITY AGREEMENT; APPROVING THE FORMS OF THE FIRST MORTGAGE NOTE - SERIES A, PROMISSORY NOTE - SERIES B, AND THE COLLATERAL ASSIGNMENT OF RENTS AND APPROVING THE FORMS OF THE LEASE, THE LESSEE'S STATEMENT AND CONSENT TO ASSIGNMENT, THE MORTGAGOR'S AFFIDAVIT, BUY-SELL AGREEMENT, AFFIDAVIT IN REGARD TO PAYMENT FOR PERSONAL PROPERTY, RE-ASSIGNMENT OF ASSIGNMENT OF RENTS AND ASSIGNMENT OF LOAN AGREEMENT AND SECURITY AGREEMENT; AND AUTHORIZING THE TERMS AND SALE OF SAID BONDS

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "City"), is a municipal corporation and political subdivision of the State of Indiana and by virtue of IC 18-6-4.5, inclusive, as amended (hereinafter called the "Act") is authorized and empowered to make direct loans to a developer for the acquisition and construction of economic development facilities to overcome insufficient employment opportunities and insufficient diversification of industry in and near the City and to promote the general economic welfare of the area in and near the City and to issue its economic development revenue bonds to pay all costs of acquisition or construction of such economic development facilities, including engineering fees, legal fees, all other expenses related thereto during construction, and the costs of issuing the bonds, and to secure said bonds by receiving a mortgage and a collateral assignment of rents on such facilities and notes of the developer of the facilities; and

WHEREAS, Allen Associates Three (the "Developer") is a limited partnership duly organized and existing under the laws of the State of Indiana, with its principal office in Fort Wayne, Indiana, and duly qualified to conduct business in the State of Indiana; and

WHEREAS, The Prudential Insurance Company of America, (the "User") is a corporation duly organized and existing under the laws of the State of New Jersey, with its principal place of business in Essex County, New Jersey, and duly qualified to conduct business in the State of Indiana; and

WHEREAS, the Developer has agreed to acquire and construct economic development facilities near the limits of the City and within the limits of the County of Allen, lease the facilities to the User and thereby create new employment opportunities and provide diversification of economic development in and near the area of the City, and make payments on the notes evidencing its loan obligations in an amount or amounts sufficient to pay the principal of, premium, if any, and interest on the economic development revenue bonds hereinafter authorized; and

WHEREAS, the Common Council of the City (the "Council") has heretofore, by Ordinance No. S-19-72 and pursuant to the Act, created the Fort Wayne Economic Development Commission (the "Commission") and the members of the Commission have been duly appointed and qualified pursuant to law and the Commission has organized and undertaken the duties imposed upon it by the Act and has found by written resolution No. R-52-79, dated September 7, 1979, that because of existing insufficient employment opportunities and insufficient diversification of industry, the economic welfare of the City would be benefited by financing the acquisition of economic development facilities for and on behalf of the Developer; and

WHEREAS, the Council has heretofore, by Resolution No. R-52-79, dated September 11, 1979, induced the Developer to make acquisitions and to undertake construction of economic development facilities within the limits of the County of Allen, near the City; and

WHEREAS, the Commission has, by resolution, approved a report estimating the public services which would be made necessary or desirable, and the expense thereof, the number of jobs, the estimated payroll on account of the acquisition of the economic development facilities and the cost of the economic development facilities and has submitted such report to the Allen County Planning Commission, the planning agency with jurisdiction over the economic development facilities; and

WHEREAS, after giving notice in accordance with the Act, the Commission held on February 21, 1980, a public hearing on the proposed financing and thereafter adopted a resolution finding the proposed financing complies with the purposes and provisions of the Act and will be of benefit to the health and welfare of the City and the County of Allen and their citizens, and approving the financing and the final form and terms of the proposed financing and authorizing the issuance by the City of $900,000.00 principal amount of Economic Development Revenue Bonds - Series A (the "Series A Bond") and Series B (the Series B Bond) (Allen Associates Three Project) (the "Bonds") payable solely from the sources, having such terms and provisions as provided herein and secured as provided by a Loan Agreement, Mortgage and Security Agreement between the City, the Developer and Anthony Wayne Bank ("Anthony Wayne") and Allen State Bank ("Allen Bank"), the proposed bond purchasers (collectively the "Bondholders") (the "Agreement"); a First Mortgage Note - Series A (the "Series A Note") and a Promissory Note - Series B (the "Series B Note") of the Developer (the "Notes"); a

Collateral Assignment of Rents of the Developer (the "Assignment of Rents"); a Lease between Developer, as lessor, and the User, as lessee (the "Lease"); a Buy-Sell Agreement to be executed by Anthony Wayne and Metropolitan Life Insurance Company ("Metropolitan") (the "Buy-Sell Agreement"); an Affidavit in Regard to Payment for Personal Property of Developer (the "Personal Property Affidavit"); the Mortgagor's Affidavit of Developer (the "Mortgagor's Affidavit"); the Re-Assignment of Assignment of Rents of Anthony Wayne to Metropolitan (the "Re-Assignment"); an Assignment of Loan Agreement, Mortgage and Security Agreement of Anthony Wayne to Metropolitan ("Assignment of Loan Agreement"); and a Lessee's Statement and Consent to Assignment from the User (the "Lessee's Statement"), which resolution and other instruments and information pertaining to the proposed financing have been transmitted to the Council by the Secretary of the Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. Public Benefits. The Council hereby finds and determines that the real estate, interests in the real estate, other improvements thereon and other machinery and equipment (the "Project") to be acquired and constructed with the proceeds of the Bonds herein authorized as "economic development facilities" as that phrase is used in the Act and acquisition and construction of the Project will increase employment opportunities and increase diversification of economic development in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new economic development facilities in such area and will be of benefit to the

health and welfare of the City and the County of Allen and their citizens and complies with the purposes and provisions of the Act.

Section 2. Authorization of $900,000.00 Economic Development Revenue Bonds. In order to pay the cost of acquiring and constructing the Project, there is hereby authorized to be issued, sold and delivered the Bonds in aggregate principal amount of $900,000.00. It is hereby recognized that pursuant to the terms of the Agreement, any balance of the cost of the Project will be paid for by the Developer.

Section 3. Terms for the Bond. The total principal amount of the Bonds is hereby expressly limited to $900,000.00. The City shall issue and sell the Bonds to the Bondholders. The terms of the Bonds shall be such as are set forth in the forms of the Bonds which are as follows:

UNITED STATES OF AMERICA
STATE OF INDIANA
COUNTY OF ALLEN

THE CITY OF FORT WAYNE, INDIANA
Economic Development Revenue Bond - Series A
(Allen Associates Three Project)

$675,000.00

The City of Fort Wayne, Indiana, a municipal corporation organized and existing under the laws of the State of Indiana (hereinafter referred to as "Issuer"), for value received, promises to pay from the source and as hereinafter provided, Anthony Wayne Bank, at its principal office in Fort Wayne, Indiana ("Anthony Wayne"), on or before July 1, 1995, the principal amount of the Six Hundred Seventy-five Thousand Dollars ($675,000.00) with interest on the outstanding principal balance existing from time to time thereon at a rate of eight and three-fourths percent (8-3/4%) per annum from the date hereof until paid, interest only payments commencing on the first day of _____, 1980, and on the first day of each calendar month thereafter until regular monthly installments of principal and interest begin and principal and interest being payable in payments of Five Thousand Five Hundred Fifty-two Dollars ($5,552.00) per month on the first day of each calendar month commencing on September 1, 1980, and continuing until maturity. Any remaining principal and interest shall be paid at maturity. Payments shall be applied first to interest and

then to principal. Both principal of and interest on this Bond shall be payable in lawful money of the United States of America. The principal and the interest on this Bond are payable by check or draft mailed to the registered owner hereof at his address designated above, or at such other address designated in writing by the owner to Issuer. The default rate of interest and late charge provided in the hereinafter described Series A Note shall be the default rate of interest and late charge under this Bond.

This Series A Bond has been issued in the aggregate principal amount of Six Hundred Seventy-five Thousand Dollars ($675,000.00) under the hereinafter described Loan Agreement, Mortgage and Security Agreement, pursuant to which this Bond has been issued for the purpose of providing funds to finance, in whole or in part, the cost of acquiring real estate and acquiring and installing equipment and personal property and the cost of constructing improvements on said real estate (such real estate, equipment, personal property and improvements being hereinafter called the "Project"), and paying expenses incidental thereto, so as to increase employment and promote diversification of economic development in and near Fort Wayne, Indiana.

The proceeds of this Bond will be loaned by Issuer to ALLEN ASSOCIATES THREE, a limited partnership organized and existing under and by virtue of the laws of the State of Indiana (hereinafter referred to as the "Company"), under the terms of a Loan Agreement, Mortgage and Security Agreement, dated as of even date by and among Issuer, Anthony Wayne, Company and The Allen State Bank (which Agreement, as from time to time supplemented and amended, is hereinafter referred to as the "Agreement"), and Company has issued the Series A Note (as defined in the Agreement) dated as of even date as security for its obligation to repay such loan and the other obligations to be performed pursuant to the Agreement.

If a determination shall have been made that interest on this Bond is subject to federal income taxes as a result of any action or inaction on the part of the Company, the rate of interest on the Series A Note and on this Bond during any period in which the interest is deemed taxable shall be ten and three-fourths percent (10-3/4%) per annum (rather than eight and three-fourths percent (8-3/4%) per annum) while the Series A Note is not in default and eighteen percent (18%) per annum (rather than fifteen percent (15%) per annum) while there is a default under the Series A Note.

This Bond is issued under and entitled to the security of the Agreement.

Reference is made to the Agreement and to all amendments supplemental thereto for a description of the property in which security interests are granted, and provisions, among others, with respect to the nature and extent of the security, the rights, duties and obligations of Issuer and Company, the rights of the holder of this Bond, and to all the provisions of which the holder hereof by the acceptance of this Bond assents.

This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the principal office of Issuer in Fort Wayne, Indiana.

This Bond is callable for redemption in the event (i) Company shall exercise its option to prepay the Series A Note as provided in subsection 9.1(a) of the Agreement, or (ii) Company shall be obligated to make prepayment of the Series A Note as provided in subsection 9.1(b) or Section 9.2 of the Agreement. If the Series A Note is prepaid pursuant to subsection 9.1(a) of the Agreement, the redemption price for this Bond will be 100% of the principal amount thereof plus accrued interest to the date of redemption, plus, in case the prepayment is made after August 1, 1992, three percent (3%) of the prepayment, which prepayment fee percentage shall decline by one-half of one percent (1/2%) during each one year period thereafter. If the Series A Note is prepaid pursuant to subsection 9.1(b) or Section 9.2 of the Agreement, this Bond shall be subject to redemption on the immediately succeeding installment payment date, in whole or (in the case of prepayment pursuant to subsection 9.1(b) of the Agreement) in part as provided in the Agreement. If the Series A Note is prepaid pursuant to subsection 9.1(b) or pursuant to Section 9.2 of the Agreement, the redemption price for this Bond will be 100% of the principal amount thereof plus accrued interest to the date of redemption.

In the event this Bond, or portions thereof, are called for redemption as aforesaid, notice thereof identifying this Bond, or portions thereof, to be redeemed will be given by mailing a copy of the redemption notice by registered or certified mail at least thirty days prior to the date fixed for redemption to the registered owner of this Bond, or portion thereof, to be redeemed at the address shown on the registration books.

This Bond, or portions thereof, so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption are on deposit at the place of payment at that time.

This Bond is issued pursuant to and in full compliance with the constitution and laws of the State of Indiana, particularly Title 18, Article 6, Chapter 4.5 of the Indiana Code, and pursuant to an Ordinance adopted and approved by the Common Council of The City of Fort Wayne, Indiana, which Ordinance authorizes the execution and delivery of the Agreement and this Bond. This Bond is a limited obligation of Issuer and is payable solely from the revenues and other amounts derived from the Series A Note and Agreement and otherwise as provided in the Agreement. This Bond does not now and shall never constitute a charge against the general credit or taxing powers of The City of Fort Wayne, Indiana.

Pursuant to the provisions of the Agreement, payments on the Series A Note sufficient for the prompt payment when due of the principal of, premium, if any, and interest on this Bond are to be paid by Issuer and deposited in a special account created by Issuer with the holder of this Bond and designated "The City of Fort Wayne, Indiana, Economic Development Revenue Bond Fund - Series A - Allen Associates Three Project", and such payments have been duly pledged for that purpose.

The holder of this Bond shall have the right to enforce the provisions of the Agreement and to institute action to enforce the covenants therein, or to take any action with

respect to any event of default under the Agreement, and to institute, appear in or defend any suit or other proceedings with respect thereto, as provided in the Agreement. In certain events, on the conditions, in the manner and with the effect set forth in the Agreement, the principal of this Bond then outstanding may become or may be declared due and payable before the stated maturity thereof, together with interest accrued thereon.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED, that all acts, conditions and things required to exist, happen and be performed precedent to the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law; and that the issuance of this Bond and the issue of which it forms a part, together with all other obligations of Issuer does not exceed or violate any constitutional or statutory limitation.

IN WITNESS WHEREOF, The City of Fort Wayne, Indiana, has caused this Bond to be issued and executed in its corporate name by the signature of its duly elected, qualified, and acting Mayor, and attested by the signature of the Clerk-Treasurer, and its corporate seal to be hereunto affixed, imprinted, impressed or otherwise reproduced hereon, effective all as of the 1st day of _____, 1980.

THE CITY OF FORT WAYNE, INDIANA

By _____, Mayor

(SEAL)
ATTEST:

_____
Clerk-Treasurer

Assignment

For Value Received _____ hereby sell(s), assign(s) and transfer(s) unto

_____ _____
(Please print or type name and address including postal zip code of transferee) (Taxpayer I.D. Number of assignee)

the within Bond, together with accrued interest thereon and all right, title and interest thereto, and hereby irrevocably authorize(s) and appoint(s) _____ attorney to transfer such Bond on the books of the within named Issuer with full power of substitution.

Dated _____

_____ L.S.

UNITED STATES OF AMERICA
STATE OF INDIANA
COUNTY OF ALLEN

THE CITY OF FORT WAYNE, INDIANA
Economic Development Revenue Bond - Series B
(Allen Associates Three Project)

$225,000.00

The City of Fort Wayne, Indiana, a municipal corporation organized and existing under the laws of the State of Indiana (hereinafter referred to as "Issuer"), for value received, promises to pay from the source and as hereinafter provided, Allen State Bank ("Allen Bank"), at its principal office in Fort Wayne, Indiana, on or before _____, 1990, the principal amount of the Two Hundred Twenty-five Thousand Dollars ($225,000.00) with interest on the outstanding principal balance existing from time to time thereon at a rate of nine and three-fourths percent (9-3/4%) per annum from the date hereof until paid, principal and interest being payable in payments of Two Thousand One Hundred Thirty-four Dollars and Twenty Cents ($2,134.20) per month on the first day of each calendar month commencing on _____, 1980, and continuing until maturity. Any remaining principal and interest shall be paid at maturity. Payments shall be applied first to interest and then to principal. Both principal of and interest on this Bond shall be payable in lawful money of the United States of America. The principal and the interest on this Bond are payable by check or draft mailed to the registered owner hereof at his address designated above, or at such other address designated in writing by the owner to Issuer. The default rate of interest and late charge provided in the hereinafter described Series B Note shall be the default rate of interest and late charge under this Bond.

This Series B Bond has been issued in the aggregate principal amount of Two Hundred Twenty-five Thousand Dollars ($225,000.00) under the hereinafter described Loan Agreement, Mortgage and Security Agreement, pursuant to which this Bond has been issued for the purpose of providing funds to finance, in whole or in part, the cost of acquiring real estate and acquiring and installing equipment and personal property and the cost of constructing improvements on said real estate (such real estate, equipment, personal property and improvements being hereinafter called the "Project"), and paying expenses incidental thereto, so as to increase employment and promote diversification of economic development in and near Fort Wayne, Indiana.

The proceeds of this Bond will be loaned by Issuer to ALLEN ASSOCIATES THREE, a limited partnership organized and existing under and by virtue of the laws of the State of Indiana (hereinafter referred to as the "Company"), under the terms of a Loan Agreement, Mortgage and Security Agreement, dated as of even date by and among Issuer, Allen Bank, Company and Anthony Wayne Bank (which Agreement, as from time to time supplemented and amended, is hereinafter referred to as the "Agreement"), and Company has issued the Series B Note (as defined in the Agreement) to Issuer as security for its obligation to repay such loan and the other obligations to be performed pursuant to the Agreement.

If a determination shall have been made that interest on this Bond is subject to federal income taxes as a result of any action or inaction on the part of the Company, the rate of interest on the Series B Note and on this Bond during any period in which the interest is deemed taxable shall be eleven and three-fourths percent (11-3/4%) per annum (rather than nine and three-fourths percent (9-3/4%) per annum) while the Series B Note is not in default and eighteen percent (18%) per annum (rather than fifteen percent (15%) per annum) while there is a default under the Series B Note.

This Bond is issued under the Agreement.

Reference is made to the Agreement and to all amendments supplemental thereto for a description of the rights, duties and obligations of Issuer and Company, the rights of the holder of this Bond, and to all the provisions of which the holder hereof by the acceptance of this Bond assents.

This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the principal office of Issuer in Fort Wayne, Indiana.

This Bond is issued pursuant to and in full compliance with the constitution and laws of the State of Indiana, particularly Title 18, Article 6, Chapter 4.5 of the Indiana Code, and pursuant to an Ordinance adopted and approved by the Common Council of The City of Fort Wayne, Indiana, which Ordinance authorizes the execution and delivery of the Agreement and this Bond. This Bond is a limited obligation of Issuer and is payable solely from the revenues and other amounts derived from the Series B Note and Agreement and otherwise as provided in the Agreement. This Bond does not now and shall never constitute a charge against the general credit or taxing powers of The City of Fort Wayne, Indiana.

Pursuant to the provisions of the Agreement, payments on the Series B Note sufficient for the prompt payment when due of the principal of, premium, if any, and interest on this Bond are to be paid by Issuer and deposited in a special account created by Issuer with the holder of this Bond and designated "The City of Fort Wayne, Indiana, Economic Development Revenue Bond Fund - Series B - Allen Associates Three Project", and such payments have been duly pledged for that purpose.

The holder of this Bond shall have the right to enforce the provisions of the Agreement and to institute action to enforce the covenants therein, or to take any action with respect to any event of default under the Agreement, and to institute, appear in or defend any suit or other proceedings with respect thereto, as provided in the Agreement. In certain events, on the conditions, in the manner and with the effect set forth in the Agreement, the principal of this Bond then outstanding may become or may be declared due and payable before the stated maturity thereof, together with interest accrued thereon.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED, that all acts, conditions and things required to exist, happen and be performed precedent to the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law; and that the issuance of this Bond

and the issue of which it forms a part, together with all other obligations of Issuer does not exceed or violate any constitutional or statutory limitation.

IN WITNESS WHEREOF, The City of Fort Wayne, Indiana, has caused this Bond to be issued and executed in its corporate name by the signature of its duly elected, qualified, and acting Mayor, and attested by the signature of the Clerk-Treasurer, and its corporate seal to be hereunto affixed, imprinted, impressed or otherwise reproduced hereon, effective all as of the 1st day of _____, 1980.

THE CITY OF FORT WAYNE, INDIANA

By_____
, Mayor

(SEAL)
ATTEST:

_____
Clerk-Treasurer

Assignment

For Value Received _____ hereby sell(s), assign(s) and transfer(s) unto

_____ _____
(Please print or type name and address including postal zip code of transferee) (Taxpayer I.D. Number of assignee)

the within Bond, together with accrued interest thereon and all right, title and interest thereto, and hereby irrevocably authorize(s) and appoint(s) _____ attorney to transfer such Bond on the books of the within named Issuer with full power of substitution.

Dated _____

_____L.S.

The Bonds are limited obligations of the City, payable solely from payments of principal, premium, if any, and interest made by the Developer on the Notes, except to the extent that the principal of, premium, if any, and interest on the Bonds may be paid out of money attributable to Bond proceeds or from temporary investments, or from other moneys, if any, accruing for the benefit of the Bondholders. The Notes and Agreement shall secure the Bonds as provided in the Agreement. Payments

by the Developer on the Notes shall be used by the Bondholders to make a like payment of principal, premium, or interest on, the Bonds.

The City will assign to Anthony Wayne the City's rights under the Agreement and the Series A Note and Assignment of Rents, including the right of the City to receive the Series A Note and to receive payments thereunder, all as security for the payment of the Series A Bond. The City will assign to Allen Bank the Series B Note, including the right of the City to receive the Series B Note and to receive payments thereunder. The Bonds will be secured as provided in the Agreement and the Assignment of Rents and the terms of said instruments are adopted herein by reference.

The Notes and the foregoing documents will constitute the sole security for the Bonds. The Bonds and the interest thereon shall be a valid claim of the holders only against the Bond Funds and the Construction Fund created under the Agreement and other moneys and security actually or constructively held by the Bondholders pursuant to the Agreement. The City will have no ownership interest in the Project, and the Bonds will not be secured by any other mortgage or other security interest in the Project or in any other property of the Developer.

The Bonds do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of the City.

Section 4. Sale of the Bonds. The Mayor of the City and the Clerk-Treasurer of the City are hereby authorized and directed to sell the Bonds to Bondholders, at a price of par, plus accrued interest from the first day of the month during which the Bonds are delivered, to the date of delivery of the Bonds and upon such other terms as are provided in the Agreement. The Bonds shall be executed on behalf of the City

with the manual or facsimile signature of the Mayor, and shall have affixed, impressed, imprinted or otherwise reproduced thereon the corporate seal of the City or a facsimile thereof and attested by the manual or facsimile signature of its Clerk-Treasurer. All authorized facsimile signatures shall have the same force and effect as if manually signed. In case any official of the City whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such official before the delivery of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until delivery. In the event the Bonds are mutilated, lost, stolen or destroyed, the City may execute and deliver new bonds of like date, maturity and denomination; provided that, in the case the Bonds are mutilated, the Bonds shall first be surrendered to the City, and in the case the Bonds are lost, stolen or destroyed, there shall be first furnished to the City evidence of such loss, theft or destruction satisfactory to the City, together with any indemnity satisfactory to it. In the event the Bonds shall have matured, instead of issuing duplicate Bonds, the City may pay the same without surrender thereof. The City may charge the holder or owner of the Bonds with its reasonable fees and expenses in this connection.

Section 5. Approval of Form of Financing Agreement. The final forms of the Agreement, Series A Note, Series B Note, Assignment of Rents, Lease, Buy-Sell Agreement, Personal Property Affidavit, Mortgagor's Affidavit, Re-Assignment, Assignment of Loan Agreement and Lessee's Statement, heretofore approved by the Commission, and all other documents referred to herein, are hereby approved, and all such documents (herein collectively referred to as the "Financing Agreement" referred to in IC 18-6-4.5), shall be incorporated herein by reference

and shall be inserted in the minutes of the Council and kept on file by the Clerk-Treasurer. The City hereby convenants to comply with all obligations to be performed by the City pursuant to the Financing Agreement.

Section 6. Execution of Financing Agreement. The Mayor and Clerk-Treasurer are hereby authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the Bond herein authorized. The signatures of the Mayor and Clerk-Treasurer may be facsimile signatures. The Clerk-Treasurer is authorized to arrange for delivery of the Bonds to the Bondholders.

Section 7. Binding Contract. The provisions of this Ordinance and the Agreement shall collectively constitute a contract binding between the City and the Bondholders and after the issuance of the Bonds this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of the holders of the Bonds so long as the Bonds remain unpaid.

Section 8. Binding Effect. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Passed and adopted this ____ day of February, 1980.

CITY OF FORT WAYNE

James S. Stier
Councilman

Read the first time in full and on notion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance.

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-28

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving an Agreement to Purchase Real Estate by Lee M. Heath and Derald Dafforn

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated January 29, 1980, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and Lee M. Heath and Derald Dafforn for:

WEST 23' OF LOT 11, COLLEGE ADDITION, known as 1235 Maumee Avenue

at a price of $125.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-33

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Civil City Purchase Order No. 4-08030 with DeHaven Chevrolet for trucks for Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Civil City Purchase Order, numbered and listed below, dated February 14, 1980, by and through the Civil City Purchasing Agent and the Board of Public Works and the following company for the purchase of trucks for the Street Department in the amount as hereafter set out, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to-wit:

NUMBER	VEHICLE	COMPANY	AMOUNT
4-08030	1980 Chevrolet C-10 Half Ton Pick-up Trucks	DeHaven Chevrolet	$21,113.40

Section 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. R-80-02-29

RESOLUTION NO. R-

A RESOLUTION confirming the Declaratory Resolution to amend the Urban Renewal Plan for Neighborhood Development Program (IND. A-14) adopted by the City of Fort Wayne, Department of Redevelopment on October 8, 1979 and confirming the Approval Order and Resolution of the Fort Wayne City Plan Commission concerning the above on November 26, 1979

WHEREAS, the Fort Wayne Redevelopment Commission adopted Declaratory Resolution to amend the Urban Renewal Plan for Neighborhood Development Program (IND. A-14) on October 8, 1979, based on plans filed in the

office of said Fort Wayne Redevelopment Commission; and

WHEREAS, the Plan Commission of the City of Fort Wayne, at its Executive Session on November 26, 1979, adopted and issued a written order approving said Declaratory Resolution and Amendment to the Urban Renewal Plan referred to therein, relative to the said Neighborhood Development Program (IND. A-14); and

WHEREAS, the foregoing actions of the Fort Wayne Redevelopment Commission and the Fort Wayne City Plan Commission are in accordance with the provisions of the Redevelopment of Cities and Towns Act of 1953 (Chapter 176 of the Acts of 1953 of the General Assembly of the State of Indiana, as Amended and Supplemented) (I.C. 18-7-7-1 et seq.).

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the said actions are hereby approved, ratified and confirmed.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. R-80-02-31

RESOLUTION NO. R-

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $260,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Tec-Hackett Engineering, Inc. (Elizabeth A. Hughes Project) (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for the sale, distribution and service of air and hydraulic components and systems located at 120 West Superior Street, Fort Wayne, Indiana; and

WHEREAS, Tec-Hackett Engineering, Inc. (Elizabeth A. Hughes Project) will guarantee all bond payments; an

WHEREAS, the diversification of industry and increase in new jobs (7) with an estimated annual payroll of $50,000, to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversfication of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed $260,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve

the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. R-80-02-35

RESOLUTION NO. R-

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of the HWI area

WHEREAS, the annexation of territory to the city is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including the newly annexed areas; and,

WHEREAS, the Common Council desires that newly annexed areas received the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of the HWI annexation area, more specifically:

Part of the Northeast Quarter of Section 33 Township 31 North Range 13 Eazst Allen County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of State Street; thence North 01 degrees 00 minutes 44 seconds East (assumed) along the West line of said Northeast Quarter a distance of 1,398.00 feet; thence Northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 47 degrees 35 minutes 56 seconds East; thence South 20 degrees 19 minutes 06 seconds East on a line not tangent to the last described curve course a distance of 179.86 feet; thence South 55 degrees 30 minutes 34 seconds East a distance of 151.26 feet; thence South 18 degrees 50 minutes 45 seconds East a distance of 194.66 feet; thence South 53 degrees 42 minutes 32 seconds West a distance of 191.95 feet; thence South 25 degrees 02 minutes 41 seconds East a distance of 244.70 feet; thence South 64 degrees 40 minutes 30 seconds East a distance of 284.41 feet; thence North 85 degrees 44 minutes 04 seconds East a distance of 178.14 feet; thence North 60 degrees 34 minutes 35 seconds East a distance of 262.24 feet; thence South 36 degrees 54 minutes 222 seconds East a distance of 205.21 feet; thence South 65 degrees 10 minutes 34 seconds a distance of 28.25 feet; thence South 26 degrees 11 minutes 16 seconds West a distance of 131.58 feet; thence South 29 degrees 55 minutes 08 seconds West a distance of 338.12 feet; thence South 01 degrees 07 minutes 22 seconds West a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses, South 78 degrees 45 minutes 54 seconds West a distance of 120.60 feet; thence Southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet

and a bearing of South 84 degrees 52 minutes 24 seconds West; thence North 89 degrees 01 minutes 06 seconds West along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acres more or less.

BE IT THEREFORE RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the HWI annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution R-56-79 with regard to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth the cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services to be provided, and delineates the planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services which are normally provided within the existing corporate boundaries, that will be provided to the annexed territory within one (1) year from the effective date of annexation. These services will be provided in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density. The plan delineates the capital improvement services to be provided within three (3) years of annexation. These services are to be provided to the annexed territory in the same manner as they are provided to areas within the City which have similar topography, patterns of land utilization, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria. The plan includes a plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the HWI annexation ordinance.

Mark A. GiaQuinta
Councilman

Read the first time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Annexation and the City Plan Commission for recommendation

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. X-80-02-34

AN ORDINANCE to amend Annexation Ordinance No. X-04-79, the Blackhawk Annexation

WHEREAS, Annexation Ordinance No. X-04-79 was passed by the Common Council on June 26, 1979, approved and signed by the Mayor of Fort Wayne on July 5, 1979, and received final publication thereof on July 18, 1979; and,

WHEREAS, the Common Council has been petitioned by fifty-one percent (51%) of the owners of territory within the area described by X-04-79 to annex said territory through voluntary annexation procedures.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Annexation Ordinance No. X-04-79 be amended to delete the territory described by the petition for voluntary annexation;

SECTION 2. That the territory description of Annexation Ordinance No. X-04-79 be amended to read as follows:

> Commencing at the intersection of the centerline of section 33, T 31, R 13 E and the north right-of-way line of Hicksville Road (East State Blvd.); thence northeasterly along the north right-of-way line of Hicksville Road (East State Blvd.) this line also being the present corporation limits, to the east line of the northwest 1/4 of section 34, T 31 R 13 E; thence South along said east line of northwest 1/4 of section 34 (assumed to be the northerly projection of west line of lot #2 in Browning Subdivision of Kercheval Reserve) to the northwest corner of lot #2 in Browning Subdivision of Kercheval Reserve as recorded in deed book W, pages 387-388; thence continuing in a southerly direction along the west line of said lot #2 in Browning Subdivsion to a point located 262.68 ± feet north of the southwest corner of said lot #2 in

Browning Subdivision, said point more particularly described as being the northwest corner of lot #77 of Lake Forest Extended, Section III as recorded in plat book 33, pages 19-20; thence east on a line parallel to and 262.68 ± feet north of the south line of Lots 1 & 2 of said Browning Subdivision to the westerly right-of-way line of Maysville Road (Lake Avenue) thence southwesterly on the west right-of-way of Maysville Road to the west line of said Kercheval Reserve; thence in an easterly direction along the north right-of-way line of North River Road to east line of Kercheval Reserve; thence north along the east line of Kercheval Reserve to the north line of Valley Meadows Section III; thence west along the north line of Valley Meadows Section III to the east right-of-way of Maysville Road; thence northeasterly along the east right-of-way line of the Maysville to the south right-of-way line of Hicksville Road (East State Street); thence west along the south right-of-way line of Hicksville Road to a projection of the west right-of-way line of the Lahmeyer Road, thence north along said west right-of-way line of Lahmeyer Road to the south right-of-way line of Trier Road; thence west along south right-of-way line of Trier Road to centerline of section 33, T 31 N, R 13 E, thence south on said centerline section 33 to intersection of north right-of-way line of Hicksville Road the point of beginning. An area of approximately 800 acres.

Excluding thereform:
Part of the Northeast Quarter of Section 33 Township 31 North Range 13 East Allen County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of State Street; thence North 01 degrees 00 minutes 44 seconds East (assumed) along the West line of said Northeast Quarter a distance of 1,398.00 feet; thence Northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 47 degrees 35 minutes 56 seconds East; thence South 20 degrees 19 minutes 06 seconds East on a line not tangent to the last described curve course a distance of 179.86 feet; thence South 55 degrees 30 minutes

34 seconds East a distance of 151.26 feet; thence South 18 degrees 50 minutes 45 seconds East a distance of 194.66 feet; thence South 53 degrees 42 minutes 32 seconds West a distance of 191.95 feet; thence South 25 degrees 02 minutes 41 seconds East a distance of 244.70 feet; thence South 64 degrees 40 minutes 30 seconds East a distance of 284.41 feet; thence North 85 degrees 44 minutes 04 seconds East a distance of 178.14 feet; thence North 60 degrees 34 minutes 35 seconds East a distance of 262.24 feet; thence South 36 degrees 54 minutes 22 seconds East a distance of 205.21 feet; thence South 65 degrees 10 minutes 34 seconds West a distance of 28.25 feet; thence South 26 degrees 11 minutes 16 seconds West a distance of 131.58 feet; thence South 29 degrees 55 minutes 08 seconds West a distance of 338.12 feet; thence South 01 degrees 07 minutes 22 seconds West a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; South 78 degrees 45 minutes 54 seconds West a distance of 120.60 feet; thence Southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflecting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet and a bearing of South 84 degrees 52 minutes 24 seconds West; thence North 89 degrees 01 minutes 06 seconds West along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street and containing 15.50 acre, more or less.

SECTION 3. That except as hereby amended, Annexation Ordinance X-04-79 shall remain in full force and effect.

SECTION 4. That this ordinance shall be in full force and effect after its passage, approval by the Mayor, and sixty days after final publication thereof as required by law.

Mark E. GiaQuinta
Councilman

Read the first time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Annexation and the City Plan Commission for recommendation

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. X-80-02-36

ANNEXATION ORDINANCE NO. X-

AN ORDINANCE annexing certain territory, commonly known as the HWI Area, to Fort Wayne, and including the same in Councilmanic District No. 2

WHEREAS, at least fifty-one percent (51%) of the owners of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, said territory is adjacent to the corporate limits; and

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Northeast Quarter of Section 33 Township 31 North Range 13 East Allen County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the Northeast Quarter of said Section 33 said point being in the centerline of State Street; thence North 01 degrees 00 minutes 44 seconds East (assumed) along the West line of said Northeast Quarter a distance of 1,398.00 feet; thence Northeasterly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 47 degrees 35 minutes 56 seconds East; thence South 20 degrees 19 minutes 06 seconds East on a line not tangent to the last described curve course a distance of 179.86 feet; thence South 55 degrees 30 minutes 34 seconds East a distance of 151.26 feet; thence South 18 degrees 50 minutes 45 seconds East a distance of 194.66 feet; thence South 53 degrees 42 minutes 32 seconds West a distance of 191.95 feet;

thence South 25 degrees 01 minute 41 seconds East a distance of 244.70 feet; thence South 64 degrees 40 minutes 30 seconds East a distance of 284.41 feet; thence North 85 degrees 44 minutes 04 seconds East a distance of 178.14 feet; thence North 60 degrees 34 minutes 35 seconds East a distance of 262.24 feet; thence South 36 degrees 54 minutes 22 seconds East a distance of 205.21 feet; thence South 65 degrees 10 minutes 08 seconds West a distance of 338.12 feet; thence South 26 degrees 11 minutes 16 seconds West a distance of 131.58 feet; thence South 29 degreest 55 minutes 08 seconds West a distance of 338.12 feet; thence South 01 degrees 07 minutes 22 seconds West a distance of 40.99 feet to a point on the centerline of State Street; thence along the centerline of State Street by the following described courses; South 78 degrees 45 minutes 54 seconds West a distance of 120.60 feet; thence Southwesterly 296.00 feet along a curve having a radius of 1,388.23 feet deflcting to the right and tangent to the last described course being subtended by a chord having a length of 295.44 feet and a bearing of South 84 degrees 52 minutes 24 seconds West; thence North 89 degrees 01 minutes 06 seconds West along a line tangent to the last described curve course a distance of 374.09 feet to the point of beginning, being subject to public road right-of-way of State Street; and containing 15.50 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time of one (1) year of the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to be above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 2 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and sixty (60) days after final publication thereof as required by law.

Mark E. GiaQuinta
Councilman

Read the first time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Annexation and the City Plan Commission for recommendation

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. Z-80-02-32

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. K-10, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lot #5, except the North 42 feet of the East 7.0 feet, and all of Lot #6 and Lot #7 in Bass and Hough's Addition.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the first time in full and on motion by Eisbart, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-01

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1980 (HOLSUM OF FORT WAYNE, INC.)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-01

SPECIAL ORDINANCE NO. S-13-80

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1980 (HOLSUM OF FORT WAYNE, INC.)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Holsum of Fort Wayne, Inc. Project regarding the financing of proposed economic development facilities for Holsum of Fort Wayne, Inc., and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 22, 1980, and also adopted a Resolution on January 22, 1980, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Holsum of Fort Wayne, Inc. complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Indenture of Trust, and Guaranty Agreement; now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Holsum of Fort Wayne, Inc., for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Holsum of Fort Wayne, Inc., under the Loan Agreement and Note, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Loan Agreement, Mortgage and Indenture of Trust and Guaranty Agreement approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated hereby by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1980 (Holsum of Fort Wayne, Inc. Project), in the total principal amount of One Million Five Hundred Thousand Dollars ($1,500,000) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Holsum of Fort Wayne, Inc., under the Loan Agreement or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized

and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 7 3/4% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk may be facsimile signatures. The Clerk and/or Controller are authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1980 (Holsum of Fort Wayne, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-13-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman Vivian G. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

REGARDING BILL NO. A-80-02-14

AN EMERGENCY ORDINANCE appropriating funds from the General Fund No. 010 and transferring funds from the Controller's Fund No. 010-002-4111, the Board of Works Fund No. 010-006-4111, the Law Fund No. 010-009-4111, the Office of Emergency Services Fund No. 010-016-4111, the the General Fund No. 010, and appropriating expenses of several departments of the Civil City of Fort Wayne for the year ending December 31, 1980

A public hearing was held on Tuesday, February 26, 1980, 7:30 P.M., Room 126, Council Chambers, on the above ordinance. At the request of the Chairman of the Standing Committee on Finance, that Bill No. A-80-02-14 be held until the next committee session, Monday, March 3, 1980, Room 128, Conference Room, for further discussion and up for consideration at the next regular session, to be held on March 11, 1980

REGARDING BILL NO. A-80-02-15

AN EMERGENCY ORDINANCE appropriating funds from General Fund No. 010 to the Department of Human Resources No. 010-022-4111

A public hearing was held on Tuesday, February 26, 1980, 7:30 P.M. Room 126, Council Chambers, on the above ordinance. At the request of the Chairman of the Standing Committee on Finance, that Bill No. A-80-02-15 be held until the next committee session, Monday, March 3, 1980, Room 128, Conference Room, for further discussion and up for consideration at the next regular session, to be held on March 11, 1980

BILL NO. S-80-02-13

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance authorizing the expenditure of funds by the Emergency Medical Servics Department for payment of accrued overtime for emergency service work performed by employees of the Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-13

SPECIAL ORDINANCE NO. S-14-80

AN EMERGENCY ORDINANCE authorizing the expenditure of funds by the Emergency Medical Services Department for payment of accrued overtime for emergency service work performed by employees of the Department

WHEREAS, an emergency exists for the authorization of additional funds to the 1980 budget of the Emergency Medical Department for the payment of accrued overtime for emergency work performed by Emergency Medical Technicians of the Department in the sum of $37,461, as finally negotiated by the Civil City and the Emergency Medical Technicians and their Union.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Services Personal Account No. 010-019-4111 of the Emergency Medical Services Department No. 010-019 be increased by the sum of $37,461.00 for the year 1980.

SECTION 2. That this Ordinance shall be in full force and effect

upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-14-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman Vivian G. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-20

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance authorizing the expenditure of funds by various departments of the Civil City of Fort Wayne to fund "step" increases granted to employees of said Departments for the year 1980 resulting from Union Contracts entered into by the City of Fort Wayne with the International Association of Machinists have had said

Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-20

SPECIAL ORDINANCE NO. S-15-80

AN EMERGENCY ORDINANCE authorizing the expenditure of funds by various Departments of the CivilCity of Fort Wayne to fund "step" increases granted to employees of said Departments for the 1980, resulting from Union Contracts entered into by the City of Fort Wayne with the International Association of Machinists

WHEREAS, an emergency exists for the authorization of additional funds to the 1980 budgets of certain of the Departments of the Civil City resulting from "step" increases granted to employees of said Departments for the year 1980 resulting from Union Contracts entered into by the City of Fort Wayne with the International Association of Machinists.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the accounts in the 1980 budgets of the various Civil City Departments as hereinafter set forth be increased as follows:

DEPARTMENT	ACCOUNT NO.	AMOUNT
Controller	010-002-4111	$ 1,289.00
Purchasing	010-003-4111	1,777.00
City Clerk	010-004-4111	877.00

Board of Works	010-006-41[illegible]1	1,870.00
Weights and Measures	010-007-41[illegible]1	1,105.00
Community Development and Planning	010-008-41[illegible]1	1,520.00
Street Engineering	010-010-41[illegible]1	2,124.00
Traffic Engineering	010-011-41[illegible]1	17,106.00
Police	010-014-41[illegible]1	2,308.00
Fire	010-015-41[illegible]1	1,923.00
Humane Commission	010-017-41[illegible]1	1,042.00
Emergency Medical Services	010-019-41[illegible]1	15,340.00
Park	010-121-41[illegible]1	517.00
Parking Administration	010-132-41[illegible]1	2,451.00

SECTION 2. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-15-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-37

RESOLUTION NO. R-16-80

A RESOLUTION authorizing the Mayor and City Clerk to enter into an agreement with the Department of Natural Resources of the State of Indiana for the allocation by the State of the sum of $400,000.00 to the city to be used by it in its flood control/public access-park system program along the river banks in the Spy Run Creek and West Main Street areas.

WHEREAS, by P.L. 307, Acts of 1979 of the Indiana General Assembly appropriated money to the Department of natural resources to be used for flood control and water resource planning in the City of Fort Wayne; and

WHEREAS, the city desires to use some of this money for its flood control/public access-park system program along the river banks in the Spy Creek and West Main Street Areas; and

WHEREAS, the State Budget Committee has allotted the sum of $400,000.00 for such use; and

WHEREAS, the Department of Natural Resources proposes to enter into a contract with the city regarding the transmittal of such money by the state to the city, the use to which the city shall put such money, and the details of the relationship between the city and the state with regard thereto, and

WHEREAS, a copy of such proposed contract is on file in the office of the Mayor and is by reference incorporated herein and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Mayor and the City Clerk of the City of Fort Wayne, Indiana, are hereby authorized and empowered to sign and execute said contract with the Department of Natural Resources of the State of Indiana, for and on behalf of the City of Fort Wayne, Indiana.

Section 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-16-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman Vivian G. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-18

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $890,000.00 Economic Development REvenue Bonds of the City of Fort Wayne, Indiana, for the purpose of including the Applicant to proceed with the acquisition, construction and equipping of the Project have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-26-80

Charles W. Westerman
City Clerk

BILL NO. R-80-02-18

RESOLUTION NO. R-17-80

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $890,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and sale facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Pines of America, Inc., and Indiana Corporation ("Corporation") has advised the Fort Wayne Economic Development Commission (the Commission") and the Issuer that they propose that the Issuer acquire, construct and equip an economic development facility and sell the same to the applicant Corporation or loan proceeds of an economic development financing to the applicant Corporation for the same, said economic development facility to be a 47,640 square foot manufacturing and warehousing facility for the manufacture and warehousing of youth toys and equipment located in Interstate Industrial Park in the City of Fort Wayne, Indiana (on an approximate 7.029 acre tract of land) ("Project"), and

WHEREAS, the diversification of industry and increase in job opportunities (49 new jobs) to be achieved by the acquisition and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would

be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and equipping of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Fort Wayne, as follows:

1. The Common Council of the City of Fort Wayne finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Common Council of the City of Fort Wayne approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount of approximately $890,000.00 of the Issuer under the Act for the acquisition and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for

planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain inderect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-17-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-19

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance authorizing the filing of an application for fiscal year 1980 Community Development Block Grant Funds have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-26-80

Charles W. Westerman
City Clerk

BILL NO. R-80-02-19

RESOLUTION NO. R-18-80

A RESOLUTION authorizing the filing of an application for fiscal year 1980 Community Developmet Block Grant Funds

WHEREAS, the City of Fort Wayne has as a goal the provision of a decent and viable living environment for all of its citizens; and

WHEREAS, the City of Fort Wayne has consistently committed itself to the elimination of blight and deterioration which is present within the community and the prevention of its further spread; and

WHEREAS, under the provisions of the Housing and Community Development Act of 1977, the City of Fort Wayne is entitled to receive annual grants through the Community Development Block Grant Program; and

WHEREAS, funding under this program must be used for the promotion of viable urban communities and the prevention or elimination of blight and deterioration, primarily for the benefit of low and moderate income people; and

WHEREAS, the City of Fort Wayne has developed a community development plan and program which is consistent with the city's overall strategy for preventing the further spread and elimination of blight and

deterioration; and

WHEREAS, all necessary steps have been taken by the Mayor and the Department of Community Development and Planning staff to properly complete the attached entitlement application for sixth year Community Development Block Grant funding in conformance with that strategy and plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the attached application for $2,946,000.00 in sixth year entitlement funds and the accompanying assurances be approved and forwarded to the U. S. Department of Housing and Urban Development under the signature of Mayor Win C. Moses, Jr.

2. That Mayor Win C. Moses, Jr. in his capacity as Chief Executive Officer for the City of Fort Wayne be authorized to act on behalf of the City in consummating contractural agreements pertaining to this grant and providing additional information and documentation pertinent thereto as required.

3. That the Common Council by its approval of this application hereby reaffirms its intent to reduce and eliminate urban blight within the City of Fort Wayne.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-18-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-22

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Develop ment Commission authorizing the issuance and sale of $8,000,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Mark E. GiaQuinta
Ben A. Eisbart
Paul M. Burns
Donald J. Schmidt

Concurred in 2-26-80

Charles W. Westerman
City Clerk

BILL NO. R-80-02-22

RESOLUTION NO. R-19-80

A RESOLUTION finding, determining and ratifying an inducement resolution of Fort Wayne Economic Development Commission authorizing the issuance and sale of $8,000,000 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Mid-Town Development Company (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic developmemt facility to be used for a 5-story multi-tenant office building to be located at the northwest intersection of Main and Calhoun Streets in downtown Fort Wayne, Indiana; and

WHEREAS, Mid-Town Development Company will guarantee all bond payments; and

WHEREAS, the diversification of industry and increase in new jobs (200) with an estimated annual payroll of $3,000,000 to be achieved by the acquisition, construction ann equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed $8,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, proved that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-19-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman Vivian G. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-80-02-30

RESOLUTION NO. R-20-80

A Resolution approving the proposed budget
of the Fort Wayne-Allen County Convention
and Tourism Authority for the calendar year 1980

WHEREAS, the Board of Managers of the Fort Wayne-Allen County Convention and Tourism Authority has prepared and submitted to this body a proposed budget for the calendar year 1980, in accordance with the provisions of I.C. 18-7-18-7, which budget this body finds to be proper and acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1: That the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the calendar year 1980, as submitted to this council on February 26, 1980, be and the same is hereby approved.

Section 2. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-20-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-09

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving Change Order No. 6, Water Contract No. 77-W-2, Water Works Improvements, Filtration Plant Additions have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Ben Eisbart
John Nuckols
Mark E. GiaQuinta
Roy Schomburg

Concurred in 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-09

SPECIAL ORDINANCE NO. S-16-80

AN ORDINANCE approving Change Order No. 6, Water Contract No. 77-W-2, Water Works Improvements, Filtration Plant Additions

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Change Order No. 6 to Hagerman-Shambaugh, in connection with Contract No. 77-W-2, Water Works Improvements - Filtration Plant Additions, for:

> that installation of additional piles (metal casings filled with concrete, driven fifty (50) feet or so into ground to support structure being constructed),

in the amount of $47,332.00, as set out in the specifications, which Change Order

is on file in the office of the Board of Public Works and is by reference incorprated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-16-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-10

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving a contract dated December 27, 1979, with Bercot, Inc. for the construction of a storm sewer on North Washington Road south to Lough Nest, under Improvement Resolution No. 5857-79 of the Board of Public Works have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Ben A. Eisbart
John Nuckols
Mark A. GiaQuinta
Roy J. Schomburg

Concurred in 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-10

SPECIAL ORDINANCE NO. S-17-80

AN ORDINANCE approving a contract, dated December 27, 1979, with Bercot, Inc. for the construction of a storm sewer on North Washington Road south to Lough Nest, under Improvement Resolution No. 5857-79 of the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Contract, dated December 27, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Bercot, Inc., contractor:

To construct Storm Sewer on North Washington Road R/W a distance of 76 ± ft. south to an existing easement on the south side of Lot #7 of North Washington Place Addition and continuing along said easement a distance of 125 ± ft. to existing R/W of Lough West and

50 ± ft. to an existing inlet on Lough Nest.

at a cost of $7,695.90 coming from City Utilities with reimbursement from property owners involved, which contract is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-17-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman Vivian G. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-80-02-11

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving Change Order No. 1, Street Light Improvement Resolution No. 137-79, ornamental street lighting for Harrison Hill area, T & F Construction Corporation, Contractor have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Ben E. Eisbart
John Nuckols
Mark E. GiaQuinta
Roy J. Schomburg

Concurred in 2-26-80

Charles W. Westerman
City Clerk

BILL NO. S-80-02-11

SPECIAL ORDINANCE NO. S-18-80

AN ORDINANCE approving Change Order No. 1, Street Light Improvement Resolution No. 137-79, ornamental street lighting for Harrison Hill area, T & F Construction Corporation, contractor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Change Order No. 1 to T & F Construction Corporation, for:

the need to relocate power source from Indiana & Michigan Electric Co. facilities. Also to avoid utility conflicts encountered during present construction as well as

minimizing future conflicts with utilities

at a cost of $10,475.00 coming from property owners through the Barrett Bond, which contract is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

Section 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 2-26-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-18-80 on the 26th day of February, 1980.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1980, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 27th day of February, 1980, at the hour of 11:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

REGARDING BILL NO. G-80-02-12

AN ORDINANCE REPEALING GENERAL ORDINANCE NO. G-02-80 AS AMENDED

The above ordinance was not voted out of committee by the committee members in Committee Session, therefore the ordinance could not be voted upon by the Common Council in Regular Session.

Councilman Donald J. Schmidt, made a motion in Regular Session that Bill No. G-80-02-12, be placed in the Committee of the Whole. Motion was seconded by Burns.

Ayes: Three
Nays: Six

The motion was LOST, therefore Bill No. G-80-02-12 was lost in committee.

Date: 2-26-80

Charles W. Westerman
City Clerk

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 26th day of February, 1980; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by

said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 27th day of February, 1980.

Charles W. Westerman
City Clerk

Minutes approved and signed in open council this 11th day of March, 1980.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER